

**Terry Wilmot Barnes**  
55 E. Long Lake Rd, Ste 206  
Troy, Michigan 48085  
April 20, 2021

United States Courts  
Southern District of Texas  
FILED

*April 20, 2021*

Nathan Ochsner, Clerk of Court

**Via email only** [cm4147@txs.uscourts.gov](mailto:cm4147@txs.uscourts.gov)

Gabrielle Clair  
Case Manager to the Hon. George C. Hanks, Jr.  
United States Courthouse  
515 Rusk St, Rm 5300  
Houston, Texas 77002

**Re: Gericare Medical Supply, Inc. v J.L. Sadick, et al.**  
**US District Court Case No. 4:20-cv-02425**

Dear Ms. Clair:

This letter is written in response to the Court's Notice of Setting [DE 41] of a Pre-Motion Conference on plaintiff's request for leave to amend plaintiff's Complaint in the above-referenced matter, as communicated in counsel's April 16, 2021 correspondence [DE 40]. As you know, the Court has scheduled the Pre-Motion Conference to be held via Zoom on Thursday, April 22, 2021 @ 11am.

Unfortunately, I am unable to participate in the Pre-Motion Conference on April 22. I am traveling tomorrow, April 21, to go out-of-state to attend my daughter's college graduation – with commencement taking place April 22. Accordingly, I respectfully request that the Pre-Motion Conference be rescheduled for a date on or after April 27.

In addition, by way of response to counsel's notification letter, I request that counsel's request for leave to amend be denied for several reasons, including but not limited to the following:

1. The Complaint [DE 1] was filed over nine months ago, on July 9, 2020. Subsequently, this Court's Docket Control Order [DE 16] set November 25, 2020 as the deadline for amendment of pleadings and joinder of parties. Accordingly, plaintiff's request for leave to amend its Complaint is untimely – as it falls almost six months after the court-imposed deadline for doing so, and as case milestone dates quickly approach.
2. The fact that the Complaint [DE 1] asserts no cause(s) of action against me whatsoever demonstrates the obvious fact that I had no contract or direct dealings with the plaintiff. In addition, the Court can logically infer that the same goes for the others plaintiff now seeks to add as principal defendants, namely, Gregory Jones, Laura Romeo and Imitari Corporation. Otherwise, undoubtedly all four of us would have been named as principal defendants. As a result, there is no basis to grant leave to the plaintiff to add us as principal defendants now.

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3. Although plaintiff's counsel submitted an email to me (on April 9) concerning his request to amend, he provided me with *none* of the exhibits that he apparently submitted to the court along with his April 16 notification letter. As such, plaintiff's request for concurrence was incomplete – and as such, violated the concurrence of counsel court rules.

Please let me know whether the Court will accommodate my requested rescheduling of the Pre-Motion Conference, from April 22, 2021 to a date on or after April 27.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Terry W. Barnes', written over a horizontal line.

Terry W. Barnes